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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,593	06/05/2001	Takeshi Suzuki	01340/LH	5464
1933	7590	09/22/2006	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			POPOVICI, DOV	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,593

Applicant(s)

SUZUKI, TAKESHI

Examiner

Dov Popovici

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3, 4 and 7 is/are allowed.
- 6) ☒ Claim(s) 2, 5, 6 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Dov Popovici
Dov Popovici
Primary Examiner
Art Unit 2625

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Okano et al. (U.S. 5,293,208).

As to claim 5, Okano et al discloses a printer apparatus (see figure 10) for effecting printing based on image data of a captured image (see figure 10), the apparatus comprising: imaging zoom detection means (150) for detecting a condition of use of an imaging zoom used for the captured image; print zoom means (102) for enlarging an image to be printed on a print film; and control means (102a) for limiting a magnification of the image to be printed on the print film, in accordance with the condition of use of the imaging zoom.

As to claim 8, Okano et al discloses an electronic camera (see figure 10) comprising: the printer apparatus of claim 5; and electronic imaging means for electronically capturing an image, wherein the printer apparatus prints an image captured by the electronic imaging means; (see figure 10).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Matama (U.S. 6,259,537).

As to claim 2, Matama discloses a printer apparatus (see figure 1) for printing (via printer 15) an image based on image data of a captured image (see figure 1, picking-up device 1), the apparatus comprising: imaging condition detection means (see column 4, lines 35-41, column 6, lines 34-36 and column 8, lines 53-57) for detecting an imaging condition of the captured image, the imaging condition including at least an imaging sensitivity of the captured image; pre-print process means (image processing device 2) for performing a pre-print process for the image data of the captured image in accordance with the imaging condition; and print means (printer 15) for printing the image based on the image data processed by the pre-print process means; wherein the imaging condition detection means detects the imaging condition based on information relating to the imaging condition, and the information relating to the imaging

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condition is added to the image data of the captured image (see column 4, lines 35-41, column 6, lines 34-36 and column 8, lines 53-57 and figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matama (U.S. 6,259,537) and Okano et al. (U.S. 5,293,208).

As to claim 6, Matama discloses an image processing apparatus comprising: the printer apparatus of claim 2; and electronic imaging means for electronically capturing an image, wherein the printer apparatus prints the image captured by the electronic imaging means. Matama teaches a picking up device (1).

Matama does not specify that the picking up device is an electronic camera.

Okano et al teaches an electronic camera and a printing apparatus (see figure 10).

Therefore, it would have been obvious to one person having ordinary skill in the art at the time of the invention was made to have modified Matama wherein the picking up device will include an electronic camera.

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have modified Matama by the teaching of Okano et al wherein

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the picking up device includes an electronic camera so that photographic images can be taken, image-processed and printed, and so that pictures taken by the camera can also be image-processed and printed.

Allowable Subject Matter

Claims 3, 4 and 7 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art of record (namely, Matama (U.S. 6,259,537) and Okano et al. (U.S. 5,293,208)) do not disclose, teach or suggest, noise removal process for the image data of the captured image prior to the printing, and controlling the noise removal process means in accordance with the imaging sensitivity, and detecting an image sensitivity used for the captured image, as claimed in claim 3.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments with respect to claim 2, 5, 6 and 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

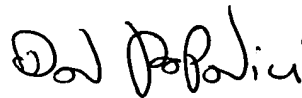
Estelle (U.S. 5,132,846) teaches microfilm reader/printer zoom lens, the back focus cam impose an upper limit on the obtainable magnification and that the lens system provides variable magnification or zoom lenses in a printer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dov Popovici whose telephone number is 571-272-4083. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Dov Popovici
Primary Examiner
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